From the publishers ...

**Land title in South Africa**

_by D L Carey Miller with Anne Pope_

Juta & Co (2000)
614 pages
Soft cover R365 (VAT incl)

It was with great expectation that I opened this book with its attractive cover. The contents however reminds one somewhat of that strange animal, the *platypus*. In the preface the author states that the book aims to give an account of the substance and working of the South African land law reforms of the 1990s. In chapter 1 the author states that the book is "primarily a technical work on property law" with emphasis on "substantive legal forms which provide for title in land" (p 2), "primarily about 'right and title to land' rather than 'land tenure'" and also as "primarily a legal textbook". Chapters 2 and 3 of the book fit this description. These two chapters dealing with registration and prescription are taken almost word for word from *The acquisition and protection of ownership*, the author's well-known and respected 1986 textbook. Practitioners will find these two updated chapters as useful and authoritative as ever. None of the other chapters from the 1986 book were taken over and it would not seem as if *Land title in South Africa* was meant to replace the earlier book.

The rest of the book stands in stark contrast with the content and style of the chapters taken over from the 1986 book. Chapter 4 contains a short discussion of sectional titles and share block schemes. The subjects are discussed in such general terms that this chapter serves only as a broad overview of what is already contained in the two Acts and the regulations and practitioners would find this of little or no value.

The remainder of the book is largely an uncritical and somewhat superficial discussion of the land reform policy of the 1990s and the various new legislative measures aimed at giving effect to land and tenure reform in South Africa. In mitigation it should be pointed out that the author does state in the Preface that only the main aspects of a large subject are covered and he also correctly refers to the "obvious problem in writing about the new land law" namely that it is in an active process of development. The land reform process is however a new area of the law that is in desperate need of serious and critical academic comment and study. The salutary aim of the new legislation is to correct past wrongs, and as stated by the author in the last chapter of the book, although the new order is "concerned with a reallocation of land rights without major departure from the pre-existing model, it has brought significant change". In practice, however, lawyers are often faced with numerous impracticalities, discrepancies, vague and badly drafted sections in some of the new Acts, as can be expected of an area of the law that is still in the developing phase. The practitioner will not find any answers to these problems in this book. In this respect it cannot be compared to the excellent *Juta's new land law* which has in a very short time become the "bible" of practitioners in the new property law.

The real and welcome contribution of this book lies however in the fact that it does provide a useful introduction to and overview of the land reform process. The general introduction in chapter 1 to the development of discriminatory landholding in South Africa provides a useful background to students and practitioners involved in restitution matters.

In part III of the book the author discussed in broad terms the 1991 land law reforms (chapter 5), the constitutional basis for the reform agenda (chapter 6), restitution (chapter 7), redistribution of land (chapter 8) and tenure reform which includes reference to inter alia the Interim Protection of Land Rights Act, communal property associations, extension of security under *ESTA*, prevention of illegal eviction and unlawful occupation, and labour tenants. The book ends with an analysis of reform in...
context. Many practitioners find these new concepts, terminology, the relation between the various new Acts and the role of each in the bigger scheme of things, still very confusing. It forms an important part of the South African law and this book goes a long way towards placing the reform developments in perspective.

Henk Havenga
Pretoria Bar

Hahlo's South African company law through the cases
Sixth edition by JT Pretorius, Delport, Havenga and Vermaas (eds)
Juta & Co (1999) xviii + 629 pages R245 (VAT) incl

A sixth edition of Hahlo's South African company law through the cases ('A collection of cases on company law, with explanatory notes and comments') has recently been published by Juta. The work is edited by the same team (headed by Prof JT Pretorius, Professor of Banking Law in the Department of Mercantile Law, University of South Africa) as the previous edition, published in 1991. (A 'corrected reprint' was published in 1995.)

First published in 1953, the work has become something of 'an old faithful' in South African company law literature. Although not often referred to in the reported cases (at least not in more recent years), the book's continuing relevance as a work of reference is borne out by its citation in counsel's heads of argument in a handful of recent reported cases and a variety of cases.

In the preface mention is made of the editors' decision to make wider reference than in previous editions to the views expressed in postgraduate theses and dissertations, and in academic writing. This promise is borne out in the 'Notes'. (The 'Notes' are the editorial comment and elucidation inserted in respect of each topic related to the selected cases.)

The sixth edition also incorporates some reference to most SA company law-related cases reported since the publication of the fifth edition in 1991, but in a random spot check I found evidence that there may be some material blind spots. I did not find any reference to the judgment in Randcoal Services Ltd v Randgold and Exploration Co Ltd 1998 (4) SA 825 (SCA). This Appeal Court judgment dealt inter alia with the question of the application of the doctrine of unanimous assent to directors' resolutions taken other than at directors' meetings convened in accordance with a company's articles. The court held (at 841G-841B) that the directors' resolution was valid and effectual notwithstanding that it had not been taken at a properly convened board meeting. I would have expected at least a reference to the case in the 'Notes' sv 'The Board of Directors' at pp 344-345, qualifying the editor's comment that '[a] resolution taken at an irregular meeting is invalid: . . .'

The book would be a useful addition to the commercial practitioner's company law library; a junior companion to one's Henochsberg and Gower.

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Scottish Chambers

Contributed by Marius van Wyk, Johannesburg

In the last edition of Advocate I reported that the Johannesburg Bar now provides Scottish Chambers for those members not holding recognised chambers. Interest has been expressed by other Bars in this arrangement. At present there are 14 members in Scottish Chambers.
South Africa, your one-stop leisure, wildlife, safari, adventure and family holiday destination. Enjoy the captivating magic of our beautiful country! With Ndebele, Zulu, Xhosa, Sotho, Swazi, Venda, Afrikaans, Cape Malay, Cape Coloured, Khoisan and European cultures all calling this land home, South Africa is certainly a melting pot of diverse cultural depth worth exploring! Explore now.

03. President Cyril Ramaphosa officiated the historic handover of title deeds for 3,900 hectares of land to more than 50 households of Ebenhaeser, Beeswater in the Western Cape on Saturday. At an event attended by Western Cape Premier Helen Zille, Rampahosa said the handover restores the dignity of local communities on the West Coast, South Africa. Source: SANews.

The handing over of these title deeds is a historic occasion, because it includes the first ever settled land claim in the Western Cape to descendants of the Griqua people. It is in the ownership of land that we find our independence as a people. It is land that we rely on to live, to work and to eat. It is land that holds firmly the roots of our ancestors.